

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No.: 5:22-CV-00068-BO

YOLANDA IRVING, individually and as the
natural parent and guardian of J.I., JUWAN
HARRINGTON, CYDNEEA
HARRINGTON, KENYA WALTON
individually and as the natural parent and
guardian of R.W., ZIYEL WHITLEY,
DYAMOND WHITLEY, KAMISHA
WHITLEY, and NANETTA GRANT as the
natural parent and guardian of Z.G.,

Plaintiffs,

vs.

THE CITY OF RALEIGH, Officer OMAR I.
ABDULLAH, Sergeant WILLIAM ROLFE,
Officer RISHAR PIERRE MONROE,
Officer JULIEN DAVID RATTELADE, and
Officer MEGHAN CAROLINE GAY, in
their
individual capacities,

Defendants.

**CONSENT MOTION FOR
EXTENSION OF DISPOSITIVE
MOTION DEADLINE
(Individual Defendants only)**

NOW COME the Defendants Abdullah, Rolfe, Monroe, Rattelade and Gay (the “individual capacity Defendants”), through counsel, and respectfully move the Court for entry of an Order granting a brief extension of the deadline for filing of dispositive motions, through and including April 5, 2023. In support of this motion, the Defendants show unto the Court the following:

1. Plaintiff filed this action on February 22, 2022, and have twice amended their Complaint.

After the second amendment, the lawsuit contained 11 plaintiffs and 17 defendants.

2. On July 6, 2022, the Court entered a scheduling order bifurcating discovery, with Phase I discovery relating to the claims against the individual defendants and Phase II discovery relating to the claims against the City of Raleigh and official capacity defendants. DE 69.

3. On January 3, 2023, the Court entered an Order extending the deadlines for Phase I discovery and dispositive motions. The deadline for the individual capacity Defendants to file dispositive motions is currently March 31, 2023. DE 156.
4. On February 22, 2023, counsel for Defendant Abdullah noticed the deposition of Plaintiffs' designated expert witness, David T. Sweeney, for March 1, 2023, in-person in Seattle, Washington, where Mr. Sweeney resides.
5. On February 27 and 28, 2023, counsel for Defendant Abdullah travelled to Seattle to conduct this deposition. On the morning of the scheduled deposition, Plaintiffs' counsel notified all other counsel that Mr. Sweeney was ill and could not attend. Mr. Sweeney also represented that he was too ill to attend a deposition the following day. As a result, Sweeney's deposition was postponed.
6. On March 3, 2023, Defendants' counsel filed a consent motion to extend the discovery deadline to allow for Mr. Sweeney's deposition to be taken, together with an extension of the dispositive motion deadline to May 1, 2023. DE 183. The Court has not yet ruled on this motion.
7. On March 13, 2023, the Court entered an Order dismissing the claims against 11 of the defendants (the "SEU officers") and dismissing Plaintiff Emancipate. DE 191.
8. On March 29, 2023, by agreement of the parties, Mr. Sweeney's deposition was conducted by remote audio-video conference.
9. Defendant Abdullah's counsel requested an expedited transcript of Mr. Sweeney's deposition, but, as of the time of filing of this Motion, the court reporter has not delivered the transcript. Defendants' counsel anticipate that Sweeney's testimony will be needed for the preparation of their dispositive motions. Accordingly, if the Court is not inclined to

grant the extension requested in D.E. 183, Defendants alternatively request a brief extension, through April 5, 2023, through which to file their dispositive motions.

10. Plaintiffs' counsel, Mr. Rubert-Schewel, has been consulted and does not object to this request for a brief extension.

11. Defendant Rolfe's counsel, Mr. Blanchard, has been authorized to file this motion on behalf of all of the remaining individual capacity Defendants.

WHEREFORE, the individual capacity Defendants hereby request that the Court enter an Order extending the deadline for them to file their dispositive motions, at least through and including April 5, 2023. A proposed Order is attached.

Respectfully submitted this the 31st day of March, 2023.

/s/Norwood P. Blanchard, III

Norwood P. Blanchard, III

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Attorney for Defendant Sergeant William Rolfe

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on March 31, 2023, a copy of the foregoing **Consent Motion for Extension of Dispositive Motion Deadline** was electronically filed with the Clerk of Court using the CM/ECF system, which will serve the counsel of record as follows:

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This the 31st day of March, 2023.

/s/Norwood P. Blanchard, III
Norwood P. Blanchard, III